

DETAILED ACTION

Information Disclosure Statement

The listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

Art Unit: 2617

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by MATHEWS et al (US 2004/0216054 A1).

Regarding claim 1, MATHES discloses a mobile terminal **10** which is adapted to detachably fit a recording medium and which is operable to execute contents (abstract), comprising: a directory information acquiring unit that acquires directory information recorded on the fitted recording medium (paragraph 24-26, 28; theme data is determined from both a theme table **18** and addressable memory **32**); a directory deciding unit decides whether a predetermined particular directory name is contained in the acquired directory information (paragraph 24-26, 28; theme data is determined for files and theme packs); and a contents setting unit that sets the contents, which is contained in a directory having the particular directory name and recorded on the recording medium, to an executable state when the particular directory name is contained in the acquired directory information (Figure 4, 5; paragraph 24-26, 28; execution state based on external or internal triggers).

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MATHEWS further discloses further comprising: a selecting unit **16** that selects the contents, and wherein, when a plurality of the same type of contents are contained in the directory having the particular directory name in

the recording medium, the contents setting unit sets the selected contents to the executable state (paragraph 24-26, 28).

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MATHEWS further discloses wherein, when a changing time setting file which defines previously a contents changing time is present in the directory having the particular directory name in the recording medium, the contents setting unit sets the contents contained in the directory to the executable state at a changing time defined in the changing time setting file (paragraph 25, 27; theme changes occur based on a script).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over MATHEWS et al (US 2004/0216054 A1) in view of TOYOMURA et al (US 2002/0116575 A1).

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MATHEWS further discloses further comprising: a detecting unit that detects that the recording medium is fitted (paragraph 26, 28; detection of events such as attachment of external device). However, MATHEWS does not expressly disclose wherein, the directory deciding unit decides whether the particular directory name is contained in the acquired directory information when the detecting unit detects that the recording medium is fitted. TOYOMURA discloses a detecting unit that detects that the recording medium is fitted (abstract; paragraph 21, 43); and wherein, the directory deciding unit decides whether the particular directory name is contained in the acquired directory information when the detecting unit detects that the recording medium is fitted (paragraph 125, 239). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify MATHEWS to include the teachings of TOYMURA, since TOYMURA discloses that such a modification would provide a user with an easy to use interface for handling various file types.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over MATHEWS et al (US 2004/0216054 A1) in view of DEEDS (US 2004/0204146).

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MATHEWS further discloses wherein the contents

setting unit set a plurality of contents to the executable state when a plurality of the same type of contents are contained in the directory having the particular directory name in the recording medium (paragraph 24-26). However, MATHEWS does not expressly disclose setting a plurality of contents to the executable state in predetermined order one by one. In the same field of endeavor, DEEDS discloses setting a plurality of contents to the executable state in predetermined order one by one (paragraph 51, 54; ringing tone queue). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify MATHEWS to include the teachings of DEEDS, since providing a user customizable alerts and themes based on a selected group files is conventional in the art and allows a user to specify changes to a mobile device.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over MATHEWS et al (US 2004/0216054 A1) in view of OHTANI et al (US 2004/0027364 A1).

Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. MATHEWS further discloses an incoming call unit (Figure 6; paragraph 29-31); and wherein the contents setting unit sets the contents contained in the directory to the executable state when the mobile terminal receives the incoming call (Figure 6; paragraph 29-31). However, MATHEWS does not expressly disclose a number-of-incoming calls counting unit that counts a number of incoming calls; and wherein, when a changing time setting file that defines previously to change the contents in a case that the mobile terminal receives the incoming call by a

predetermined number of times is present in the directory having the particular directory name in the recording medium, the contents setting unit sets the contents contained in the directory to the executable state when the mobile terminal receives the incoming call by the predetermined number of times. In a similar field of the endeavor, OHTANI discloses a number-of-incoming calls counting unit that counts a number of incoming calls (paragraph 167-175; call frequency); and wherein, when a changing time setting file that defines previously to change the contents in a case that the mobile terminal receives the incoming call by a predetermined number of times is present in the directory having the particular directory name in the recording medium, the contents setting unit sets the contents contained in the directory to the executable state when the mobile terminal receives the incoming call by the predetermined number of times (paragraph 167-175; background changed based on a call frequency).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

KOMIYAMA (US 6,690,955) – Producing a color illumination uniquely identifying a calling source

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARIEL BALAOING whose telephone number is (571)272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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